

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 340

July 28, 1995, 9:52 a.m.
Page S-10848 Temp. Record

GIFT BAN/\$100 Single Source Gift Limit

SUBJECT: Congressional Gift Ban . . . S. 1061. Lott amendment No. 1875 to the McCain modified substitute amendment No. 1872.

ACTION: AMENDMENT AGREED TO, 54-46

SYNOPSIS: As introduced, S. 1061, a resolution to provide for congressional gift reform, will amend the standing rules of the Senate to limit the receipt of gifts by Members and congressional employees. Gifts and exemptions are defined, restrictions will be placed on reimbursement for travel and lodging costs, and special limits will be placed on gifts by lobbyists.

The McCain modified substitute amendment would enact compromise provisions which would amend the Senate's rules only and which would largely parallel the gift rules that apply to the executive branch.

The Lott amendment would strike the McCain amendment's annual aggregate gift limit from any one source of \$50 and single gift limit of \$20 and would insert in lieu thereof the following: "No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than \$100 from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than \$50."

NOTE: Following the vote, an amendment requiring that gifts with a value of \$10 or greater from one source be counted toward the aggregate limit of \$100 from that source, and barring the acceptance of gifts worth more than \$50 each, was agreed to by voice vote.

Those favoring the amendment contended:

The Lott amendment would enact more reasonable gift limits by limiting the amount that could be accepted from any one source in a year to \$100 and by eliminating the ridiculously low \$20 single-gift limit. The way the bill is currently drafted, the low \$20 single gift, \$50 aggregate gift limits will cause constant trouble. If the Lott amendment is not accepted, we will push for a total ban on gifts

(See other side)

YEAS (54)			NAYS (46)			NOT VOTING (0)	
Republicans (38 or 70%)		Democrats (16 or 35%)	Republicans (16 or 30%)		Democrats (30 or 65%)	Republicans (0)	Democrats (0)
Ashcroft	Gregg	Breaux	Abraham	Akaka	Graham		
Bennett	Hatch	Bryan	Cohen	Baucus	Kennedy		
Bond	Helms	Bumpers	DeWine	Biden	Kerry		
Brown	Hutchison	Dodd	Frist	Bingaman	Kohl		
Burns	Inhofe	Harkin	Hatfield	Boxer	Lautenberg		
Campbell	Kassebaum	Heflin	Jeffords	Bradley	Leahy		
Chafee	Kempthorne	Hollings	Kyl	Byrd	Levin		
Coats	Lott	Inouye	McCain	Conrad	Lieberman		
Cochran	Lugar	Johnston	Pressler	Daschle	Moseley-Braun		
Coverdell	Mack	Kerrey	Santorum	Dorgan	Moynihan		
Craig	McConnell	Mikulski	Simpson	Exon	Murray		
D'Amato	Murkowski	Nunn	Snowe	Feingold	Robb		
Dole	Nickles	Pell	Specter	Feinstein	Sarbanes		
Domenici	Packwood	Pryor	Thomas	Ford	Simon		
Faircloth	Roth	Reid	Thompson	Glenn	Wellstone		
Gorton	Shelby	Rockefeller	Warner				
Gramm	Smith						
Grams	Stevens						
Grassley	Thurmond						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

instead, so that Senators will not unwittingly run afoul of the unrealistically low limits.

Putting the issue in practical terms, one of the most common gifts Senators receive is a meal. Someone is always trying to take us out and feed us. The Senate schedule usually gets us off the hook because this is a nocturnal institution--the voting rarely starts before the sun goes down. However, we all end up being wined and dined. When we are, it is rare for a dinner or even a lunch to cost less than \$20. Some of those meals are paid for by lobbyists, but more often than not they are paid for by constituents. When our constituents take us out, they usually want to go to a nice, sit-down restaurant. Maybe back home they can find a nice restaurant where the tab will not exceed \$20 per person, but in Washington D.C. it is not that easy. This \$20 limit will create all types of awkward, embarrassing situations because Senators will have to check the dinner tabs and insist on paying if their portion bumps over \$20.

The reason for enacting a gift ban is to eliminate the perception that Senators can be bought with gifts. However, we think it is nonsense to suggest that Members are being bought when constituents take them out to dinner. We are not talking about several-hundred-dollar meals paid for by lobbyists who are flush with cash--we are just talking about average meals. For Senators, many of whom are independently wealthy, all of whom earn more than \$100,000 per year, and all of whom are always pressed for time, it is no great benefit to be taken out to dinner. We will give up part of our most precious asset--time--to be taken out to dinner by constituents because that is part of our job, not because we are being bought.

Some Senators have objected that executive branch officials have no problem living under the \$20 individual gift, \$50 aggregate gift limits, but those officials do not have to engage in the type of constituent service that Members do. Other Senators have objected that the Lott amendment would permit Senators to accept gift after gift from the same source as long as the value of each gift did not exceed \$50. In response, the amendment would not specifically prohibit such rapacious behavior, but it is not necessary--such conduct would be clearly unbecoming of a Senator, and is thus already prohibited under Senate rules. The Senate does not need every dot and dash of ethical behavior to be spelled out--in fact, most Ethics cases have dealt with conduct that violated ethical norms but that was not specifically prohibited under the rules. If Senators are truly concerned, though, we will work with them on devising an appropriate way to state the obvious proposition that Senators will not be permitted to try to weasel their way around this gift ban.

When Americans look at the fiscal mess this country is in, and when they see the huge amount of spending on special interests that has contributed to that mess, they logically (though we believe erroneously) conclude that Members' votes in favor of that spending have been bought by gifts from special interests. They consequently want such gifts to be prohibited. We favor this legislation because our democracy is weakened by this false perception that our votes are being bought. However, we also support the Lott amendment, because it would make the gift ban apply only to gifts that could be perceived as attempts to influence Senators, instead of applying to "gifts" such as modestly priced meals which should be accepted as a normal part of constituent service, and indeed as a normal part of common courtesy.

Those opposing the amendment contended:

Our colleagues believe that a \$20 limit is too low. Perhaps our constituents are not as rich, but we know that many of the people in our States could not afford to buy us \$50 meals, but they could afford to spend \$20 on us. Having a \$20 limit gives such constituents an equal chance to compete for our attention. Our greater objection to this amendment, though, is that it would not require the aggregation of any gift worth less than \$50. This change would effectively gut the bill. A Senator could accept the same gift of \$49.99 every day from a lobbyist, 365 days per year, and not have to report one penny. In fact, he or she could accept such gifts several times per day without reporting. Our colleagues assure us such behavior is already implicitly prohibited, but the fact is that if the acceptance of gifts which appears to be improper were already effectively prohibited by implicit rules then this legislation would not be necessary. We hope our colleagues will work with us to find a way to make this implicit prohibition they cite explicit, because without such a change we doubt we will be able to support passage of this legislation. Senators who have complained that it will not be possible for the Senate to live under \$20/\$50 limits should be reassured by looking at the executive branch. For 20 years these exact limits have applied to officials of that branch, and we do not know of anyone ever reporting any difficulties in abiding by them. We do not expect the Senate to have any difficulties either, and we thus must oppose the Lott amendment.